

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0066 Tea Embassy

P.C. DATE: 09-8-2009

ADDRESS: 900 Rio Grande

AREA: 0.1535 acres

APPLICANT: Eidschun Partners (Carol Sims)

AGENT: Jim Bennett Consulting (Jim Bennett)

NEIGHBORHOOD PLAN AREA: Downtown

CAPITOL VIEW: No

T.I.A.: Waived – See the Transportation Reviewers comments.

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: GO-H – General Office - Historic

ZONING TO: LR-MU-H-CO Neighborhood Commercial - Mixed Use – Historic – Conditional Overlay

SUMMARY STAFF RECOMMENDATION:

Staff recommends LR-MU-H-CO, Neighborhood Commercial - Mixed Use – Historic – Conditional Overlay. The Conditional Overlay would prohibit service stations.

PLANNING COMMISSION RECOMMENDATION:

The motion to approve staff's recommendation for LR-MU-H-CO zoning; was approved on the Consent Agenda by Commissioner Dealy's motion, Commissioner Jay Reddy second the motion on a vote of 7-0.

HISTORIC LANDMARK COMMISSION RECOMMENDATION:

The Historic Landmark Commission at their regularly scheduled meeting of August 24th voted to approve case #C14H-2005-0025. This motion was approved on a vote of 5 to 0.

DEPARTMENT COMMENTS:

The applicant is requesting Neighborhood Commercial (LR) zoning to have the current use of the property more closely match the proper zoning designation. The primary use of the site is the sales of tea and the related products for the service of tea. This use would be considered "Food Sales" and is a permitted use in Neighborhood Commercial but not in the current zoning which is General Office (GO). The applicant has also requested the inclusion of the Mixed Use Combining District in order to permit a residential use or a combination of retail and residential by some future occupant of the property. The structure is zoned "Historic" and any modifications to the exterior façade will require Landmark Commission approval.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	GO-H	Food Sales
NORTH	GO	Office
SOUTH	GO	Office
EAST	LO-H	Office
WEST	GO-H	Parking lot

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-06-0177 807 West Ave.	From MF-4 to DMU-CO	Approved DMU-CO [Vote: 7-0]	Approved DMU-CO [Vote: 5-0]
C14-2007-0212 907 Rio Grande	From MF-4 to LO- MU	Approved LO-MU [Vote 7-0]	Approved LO-MU [Vote 9-0]
C14-00-2236 609 West 9 th St.	From GO to GO - MU	Approved GO - MU [Vote 9-0]	Approved GO-MU [Vote 5-0]

BASIS FOR RECOMMENDATION:

- Zoning changes should promote compatibility with adjacent and nearby uses.*

Granting LR-MU-H-CO would be in keeping with the adjacent uses and zonings in the area. Within a two block radius there is Limited Office (LO), General Office (GO), Neighborhood Commercial (LR), Community Commercial (GR), Downtown Mixed Use (DMU) and Multifamily Residential, Moderate High Density (MF-4).

NEIGHBORHOOD ORGANIZATION:

- Homeless Neighborhood Assn.
- North Austin Neighborhood Alliance
- Sentral Plus East Austin Koalition
- Downtown Austin Neigh. Coal.
- West End Austin Alliance
- Austin Neighborhoods Council
- Downtown Austin Alliance
- Downtown Austin Neigh. Assoc
- Old Austin Neigh. Assoc.

SCHOOLS:

Matthews Elementary School
O'Henry Middle School
Austin High School

SITE PLAN:

1. This tract is within the Criminal Justice Overlay.
2. Any changes to the structure must be reviewed and approved by the Historic Landmark Office.
3. Any new development may be subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

ENVIRONMENTAL:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

TRANSPORTATION:**TR1: Existing Street Characteristics:**

Name	ROW	Pavement	Classification	Daily Traffic
Rio Grande Street	80'	38'	Collector	3,040 (TXDOT, 2005)
West 9th Street	80'	38'	Collector	3,630 (TXDOT, 2005)

- TR2: No additional right-of-way is needed at this time.
- TR3: A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].
- TR4: There are existing sidewalks along Rio Grande Street and West 9th Street east of the west driveway approach. There are no existing sidewalks along west of the west driveway approach.
- TR5: West 9th Street is identified in the Bicycle Plan as route-segment #50.03.
- TR6: Capital Metro bus service (route no. 100, 171, 410, 461, 481, 935, 982-984, 986-987, & LA) is available along Guadalupe Street.

CITY COUNCIL DATE: October 15th, 2009

ACTION:

ORDINANCE READINGS:

1ST

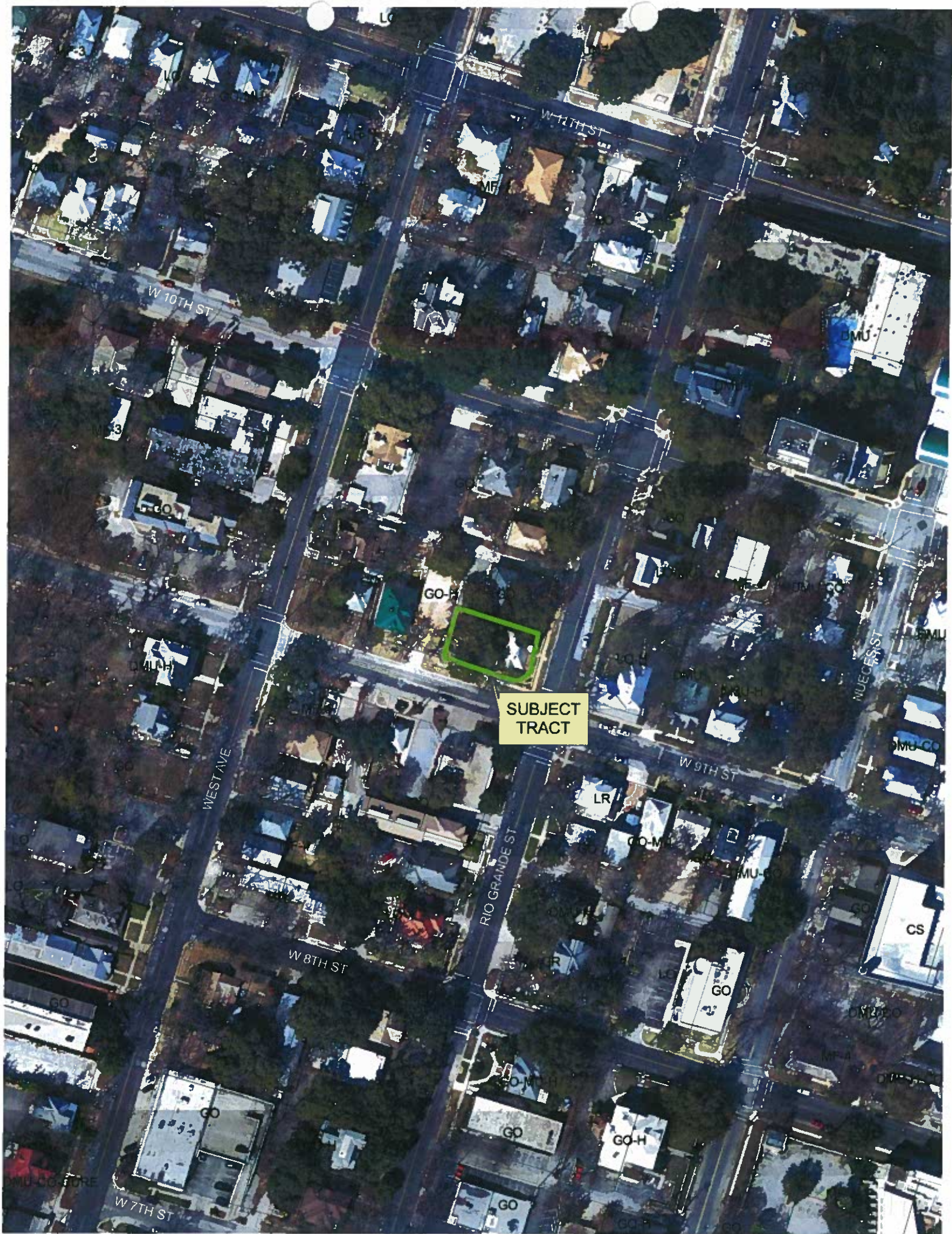
2ND

3RD

ORDINANCE NUMBER:

CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691



RECEIVED

JUL 15 2009

Neighborhood Planning & Zoning

Ted Siff
604 West 11th Street
Austin, Texas 78701

July 14, 2009

Mr. Clark Patterson
Case Manager
City of Austin NPZD
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: 900 Rio Grande Street – application to change zoning from GO-H to LR-H

Dear Clark:

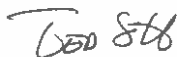
I have talked to the applicant, Carol Sims, and am personally pleased to support and recommend this application to change the zoning at 900 Rio Grande Street from GO-H to LR-H. If the business at 900 Rio Grande, the Tea Embassy, is allowed to provide a walk able shopping choice at this location, it will add value and convenience to our neighborhood.

The property owners have proven to be good citizens. They rehabilitated the home at 900 Rio Grande Street, which is an example of late Victoria architecture. In fact, this property has not only received historic designation from the City of Austin, but also from the National Register of Historic Places. It preserves the historic and residential character of our neighborhood.

The Tea Embassy wants to add a small mobile trailer in their backyard to sell light food, such as crepes, scones, and hot and iced tea. People who habit the Courthouse have complained for years that there are not sufficient meeting places offering even light food within walking distance. My understanding is that this desire to have this mobile trailer is motivating their application for a zoning change.

While the Original Austin Neighborhood Association (OANA) has not taken a position on this application, the OANA board will be considering it at our meeting on Monday, July 20th. I will let you know if the board takes a position.

Best,



Ted Siff
512-657-5414 (m)
ted@legaldigest.com

.....

RECEIVED

July 10, 2009

JUL 15 2009

Neighborhood Planning & Zoning

City of Austin
1 Texas Center
505 Barton Springs Rd.
Austin, Texas 78701

Re: Rezoning 900 Rio Grande


Dear Zoning Department;

We're in full support of the proposal to change the zoning at 900 Rio Grande from GE-H to LR-H. We believe the mix of uses is consistent with the mix use of office, residential and educational area of our neighborhood.

The current property owners have been very good neighbors. We are immediately adjacent to them and we share a parking lot and will be immediately adjacent to the mobile trailer they have proposed. We have no doubt that the appearance and the operation of their proposed addition will be an asset and will not detract from other neighborhood uses. Their rehabilitation of the property at 900 Rio Grande is truly wonderful. I had my office in that building for 12 years and they've made great improvements to the property after they bought it.

If myself or my partners need to be available for any consultation about this zoning change, we would be glad to do so.

Sincerely,



Nate Stark
President West 9th St. Partners, LLC
704 West 9th St.
Austin, Texas 78701



khabele

RECEIVED

JUL 15 2009

801 Rio Grande Street
Austin, Texas 78701
Phone: (512) 480 8142
Fax: (512) 322 0987
www.khabele.org

Neighborhood Planning & Zoning

7-2-09
City of Austin
One Texas Center
505 Barton Springs Road
Austin, Texas

Dear City of Austin,

We are pleased to recommend the proposal for changed zoning at 900 Rio Grande Street from GO-H to LR-H. Our neighborhood is quiet and even sleepy at times. In fact, it is so sleepy, we do not have sufficient facilities for our students to find lunch. That is, unless they go to the W. 6th Street bar district.

So, we thought it good news that the Tea Embassy wants to add a small mobile trailer in their backyard to sell light food, such as crepes, scones, and hot and iced tea. The Tea Embassy is a good citizen in our neighborhood. In fact, it is an urban refuge of sorts. Our parents and students often go there and wait for meetings and pickups.

We feel the tone of the current operation and the modest proposal for changed zoning offers a benefit to us, and also to the entire area of town. Meeting places are important to urban populations of all kinds.

Sincerely,

Khotso Khabele
Director, Khabele School
801 Rio Grande Street
Austin, TX 78701

City of Austin Zoning

7-27-09

Re: Tea Embassy
900 Rio Grande
Austin, Tx 78701

To Whom it may concern,

I am strongly opposed to any re-zoning the owners of "Tea Embassy" are requesting changing the current GO-H to LR-H.

My name is Susan Sullivan and I am a board member of The Original Austin Neighborhood Association.

Carol Sims, the owner of Tea Embassy, attended our meeting 7-20-09 and explained their desire to expand the business which is currently selling tea out of the historical building. I don't believe they have the proper permit for what they're doing right now. They want to expand and use an outdoor mobile cart like the ones selling pizza by the slice and fast foods. They want to have live, outdoor music and expand their hours to 9:00pm and rent the building out for parties, like The Allen House which is causing noise problems for the residents at night and they're calling the police with noise complaints. Any re-zoning there would open the door for taller buildings, destroy the ambiance and charm of that area which is safe and quiet at night. Increased foot traffic at night increases the chance for more crime such as car and office burglaries... The last thing our neighborhood needs is more outdoor music. With the amount of property taxes we pay already to live in this neighborhood, we suffer due to the live music from the bars like Ranch 616, Momo's, Key Club....

The mobile cart looks cheap and tacky and is not appropriate for a historical neighborhood. The mobile carts near W. 7th St attract rats and the patrons throw their trash in the street.

I have lived at 505 W. 7th St Austin, Tx almost 16 yrs. I have worked downtown as well 23 yrs at the Travis County Attorney's Office.

Thank you,
Susan Sullivan

Susan Sullivan
505 W. 7th #205
Austin, Tx 78701

Off: 854-9415